

Enforcement process for AMCO Chemical Superfund Site

Process of placing a lien on the AMCO property:

- a. A notice was sent to the Responsible Party (RP), or owners of the AMCO property, notifying them that EPA has a claim for the costs of the cleanup and can in the future recover these costs by enforcing a lien on the property.
- b. The RP can decide to negotiate at this time or object. The RP objected to the lien.
- c. A hearing regarding the objections took place before the EPA Hearing Officer in the summer of 2010.
- d. The Hearing Officer will issue a recommendation on whether to place the lien, and issues an opinion on the RP's objections.
- e. The Superfund director will make a decision whether to place the lien. EPA will notify the community when a decision is made.

There is also a process separate from the lien:

1. EPA's normal practice is to begin negotiating with the Responsible Parties (RP) after the Record of Decision (ROD) is signed, and secure a commitment from the RP to either fund or do the Remedial Action within 9 months.
2. If the negotiations are not successful, EPA may issue a unilateral Administrative Order to compel the RP to implement the Remedial Action. If the RP doesn't comply with the Administrative Order, EPA and the Department of Justice can bring a lawsuit against the RP seeking to compel the RP to implement the Action themselves, or to pay the past, current, and future costs of the Action as implemented by EPA.
3. If the RP believes it has insufficient funds to implement the remedy, the RP can request an inability to pay settlement. EPA would evaluate the request, and if a settlement is reached, EPA would implement the Remedial Action at the site. The settlement may or may not affect the ownership of the property.